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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/733,230

12/08/2000

Yoshifumi Tanimoto

1021

26021

7590

09/08/2005

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EXAMINER

LETT, THOMAS J

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/733,230

**Applicant(s)**

TANIMOTO, YOSHIFUMI

**Examiner**

Thomas J. Lett

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-3,5-8,10-12 and 14 is/are allowed.
- 6) ☒ Claim(s) 9 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> .                  |

**DETAILED ACTION**

***Allowable Subject Matter***

1. The indicated allowability of claims 9 and 15 are withdrawn in view of the newly discovered reference(s) to Nakahara (USPN 6,611,354 B1). Rejections based on the newly cited reference follow.
2. The following is an examiner's statement of reasons for allowance: Claim 1 of the current application teaches similar subject matter as the prior art of Kikuchi et al (US Patent 5,552,901). However, the rejections of claims 1 and 2 have been overcome by Applicant's incorporation of allowable subject matter into the independent claims. It follows claims 3, and 5-8 are then inherently allowable for depending on an allowable base claim.

The rejection of claim 10 has been overcome by Applicant's incorporation of allowable subject matter into the independent claims. It follows claims 11, 12, and 14 are then inherently allowable for depending on an allowable base claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakahara (USPN 6,611,354 B1).

With respect to claim 9, Nakahara discloses a facsimile machine connectable to PSTN and another network and adapted to receive data from a data transmitter over the another network and transfer the data to a recipient, comprising:

a memory (number storing section for storing delivery conditions, including whether or not a request for data transfer should be accepted, in accordance with at least part of an address of a data transmitter (Figures 7 & 8; column 26, lines 25-42); and

a control unit (143, 144) for determining whether the request for data transfer should be accepted, based on the address of the data transmitter and the delivery conditions, wherein the data is printed when the request for data transfer is refused (Figures 7 & 8; column 26, lines 25-42; column 27, lines 28-31).

With respect to claim 15, Nakahara (6,611,354) discloses an image data transfer method comprising the steps of:

receiving data over a network; (Figure 8; elements b2-b4; column 26, lines 10-24) determining whether the data should be transferred to a designated recipient based on predetermined delivery conditions and an address (transmitting subscriber identification signal TSI) of a data transmitter, wherein the predetermined

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delivery conditions broadly reads on whether the transmitting subscriber identification signal TSI is coincidence with the stored telephone number; (Fig. 8; elements b5, col. 26, lines 25-42) and

printing the data when the step B determines that the data should not be transferred (col. 27, lines 28-31).

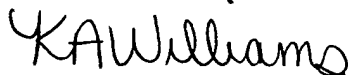
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is 703-305-8733. The examiner can normally be reached on 8-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJL



**KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER**